

The Crime of Perjury and False Expert Report according to Section No. 346 of the Criminal Code

Abstract

A great deal of media attention has been dedicated recently to cases of experts facing the charge of perjury and false expert report pursuant to Section No. 346 of Act No. 40/2009 Coll. of the Criminal Code (hereinafter referred to as the Criminal Code). These cases reduce the experts' credibility in the eyes of the public, cast doubts on their practice as a whole and are therefore commonly used as an argument for adopting a new Law on the experts' conduit. In accordance with the aforementioned facts, the goal of this thesis is to provide a further insight into the crime of perjury and false expert report under Section No. 346 of the Criminal Code.

The thesis consists of an introduction, five chapters and a conclusion. The first chapter gives a historical overview concerning perjury and false expert report followed by the definition of Section No. 346 of the Criminal Code, including its specific elements, and finally an analysis of several disputed cases that call into question the conclusion of criminal liability under Section No. 346 of the Criminal Code, such as the expert's consultant, the processor of the expertise or the formal and the material witnesses. The following chapter is divided into two parts. The first part deals with the current and past amendments of the Law on experts and interpreters concerning whether they are allowed to carry out further expertise conduct despite committing an offence based on the facts of the case as defined by Section No. 346 of the Criminal Code. The second part looks at any potential bias of a judge in connection with Section No. 346 of the Criminal Code and his notification obligation. The third chapter deals with statistical data related to Section No. 346 of the Criminal Code. The fourth chapter intends to present an insight into some of the more medially known cases concerning experts and witnesses accused of committing the crime under Section No. 346 of the Criminal Code. The sheer diversity of the covered cases allows the reader to fully apprehend the variety of life realities in which the alleged crime of perjury and false expert report is to be found. Finally, the last chapter of the thesis provides an analysis of a Belgian amendment of the crime of perjury, including an initial analysis of some of the Belgian criminal institutes, aimed at preventing any potential misinterpretation when reading the relevant resolutions. The Belgian amendment provides an insight into the various aspects of perjury which exceeds the borders of the Czech Republic.

Keywords: perjury, false expert report, expert